

House File 415 - Introduced

HOUSE FILE 415

BY FRY and HUNTER

A BILL FOR

1 An Act relating to child abuse reporting, assessment
2 procedures, and placement on the central registry for
3 child abuse, and including effective date and applicability
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.68, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 01. "*Assessment*" means the process by which
4 the department responds to all accepted reports of alleged
5 child abuse. An "*assessment*" addresses child safety, family
6 functioning, culturally competent practice, and identifies
7 the family strengths and needs, and engages the family in
8 services if needed. The department's assessment process occurs
9 either through a child abuse assessment or a family assessment
10 response. As used in this subsection and this part:

11 a. "*Child abuse assessment*" means an assessment process by
12 which the department responds to all accepted reports of child
13 abuse which allege imminent danger or impact child safety.
14 A "*child abuse assessment*" results in a disposition and a
15 determination of whether a case meets the definition of child
16 abuse and a determination of whether criteria for placement on
17 the registry are met.

18 b. "*Family assessment response*" means an assessment process
19 by which the department responds to all accepted reports of
20 child abuse which do not allege imminent danger or impact child
21 safety. A "*family assessment response*" does not include a
22 determination of whether a case meets the definition of child
23 abuse and does not include a determination of whether criteria
24 for placement on the registry are met.

25 Sec. 2. Section 232.70, subsection 5, Code 2013, is amended
26 to read as follows:

27 5. Upon Immediately upon receipt of a report, the department
28 shall ~~do all of the following:~~

29 ~~a. Immediately, upon receipt of an oral report, make~~
30 a determination as to whether the report constitutes an
31 allegation of child abuse as defined in section 232.68.

32 ~~b. Notify the appropriate county attorney of the receipt of~~
33 ~~the report.~~

34 Sec. 3. Section 232.71B, subsections 1, 3, 4, 10, 12, 13,
35 and 14, Code 2013, are amended to read as follows:

1 1. *Commencement of assessment — purpose.*

2 a. If the department determines a report constitutes a child
3 abuse allegation, the department shall promptly commence an
4 ~~appropriate~~ either a child abuse assessment within twenty-four
5 hours of receiving the report or a family assessment response
6 within seventy-two hours of receiving the report.

7 (1) Upon acceptance of a report of child abuse, the
8 department shall commence a child abuse assessment when the
9 report alleges imminent danger or impacts a child's safety.

10 (2) Upon acceptance of a report of child abuse, the
11 department shall commence a family assessment response when the
12 report does not allege imminent danger or impact child safety.

13 b. The primary purpose of either the child abuse assessment
14 response or the family assessment response shall be the
15 protection of the child named in the report. The secondary
16 purpose of ~~the assessment~~ either type of assessment shall be
17 to engage the child's family in services to enhance family
18 strengths and to address needs.

19 3. *Involvement of law enforcement.* The department shall
20 apply protocols, developed with the local child protection
21 assistance team established pursuant to section 915.35, to
22 prioritize the actions taken in response to a child abuse
23 ~~reports assessment~~ and to shall work jointly with child
24 protection assistance teams and law enforcement agencies in
25 performing assessment and investigative processes for child
26 abuse ~~reports assessments~~ in which a criminal act harming a
27 child is alleged. The county attorney and appropriate law
28 enforcement agencies shall also take any other lawful action
29 which may be necessary or advisable for the protection of the
30 child. If a report is determined not to constitute a child
31 abuse allegation or if the child abuse report is accepted
32 but assessed under the family assessment response, but a
33 criminal act harming a child is alleged, the department shall
34 immediately refer the matter to the appropriate law enforcement
35 agency.

1 4. *Assessment process.* ~~The~~

2 a. A child abuse assessment is subject to or family
3 assessment response shall include all of the following:

4 (1) A safety assessment and risk assessment. If at any
5 time during a family assessment response, a child is determined
6 unsafe, it appears that the immediate safety or well-being of
7 a child is endangered, it appears that the family may flee or
8 the child may disappear, or the facts otherwise warrant, the
9 department shall immediately commence a child abuse assessment.

10 (2) An evaluation of the home environment. If concerns
11 regarding protection of children are identified by the child
12 protection worker, the child protection worker shall evaluate
13 the child named in the report and any other children in the
14 same home as the parents or other persons responsible for their
15 care.

16 b. In addition to the requirements of paragraph "a", a child
17 abuse assessment shall include the following:

18 ~~a.~~ (1) Identification of the nature, extent, and cause of
19 the injuries, if any, to the child named in the report.

20 ~~b.~~ (2) Identification of the person or persons responsible
21 for the alleged child abuse.

22 ~~c.~~ (3) A description of the name, age, and condition of
23 other children in the same home as the child named in the
24 report.

25 ~~d. An evaluation of the home environment. If concerns~~
26 ~~regarding protection of children are identified by the child~~
27 ~~protection worker, the child protection worker shall evaluate~~
28 ~~the child named in the report and any other children in the~~
29 ~~same home as the parents or other persons responsible for their~~
30 ~~care.~~

31 ~~e.~~ (4) An interview of the person alleged to have committed
32 the child abuse, if the person's identity and location are
33 known. The offer of an interview shall be made to the person
34 prior to any consideration or determination being made that
35 the person committed the alleged abuse. The person shall be

1 informed of the complaint or allegation made regarding the
 2 person. The person shall be informed in a manner that protects
 3 the confidentiality rights of the individual who reported the
 4 child abuse or provided information as part of the assessment
 5 process. The purpose of the interview shall be to provide the
 6 person with the opportunity to explain or rebut the allegations
 7 of the child abuse report or other allegations made during
 8 the assessment. The court may waive the requirement to offer
 9 the interview only for good cause. The person offered an
 10 interview, or the person's attorney on the person's behalf, may
 11 decline the offer of an interview of the person.

12 ~~f. Unless otherwise prohibited under section 234.40~~
 13 ~~or 280.21, the use of corporal punishment by the person~~
 14 ~~responsible for the care of a child which does not result in~~
 15 ~~a physical injury to the child shall not be considered child~~
 16 ~~abuse.~~

17 10. *Multidisciplinary team.* In each county or multicounty
 18 area in which more than fifty child abuse reports are made
 19 per year, the department shall establish a multidisciplinary
 20 team, as defined in section 235A.13, subsection 8. Upon the
 21 department's request, a multidisciplinary team shall assist the
 22 department in the assessment, diagnosis, and disposition of a
 23 child abuse ~~report~~ assessment.

24 12. ~~Assessment report~~ Written assessment statement.

25 a. The department, upon completion of the child abuse
 26 assessment or the family assessment response, shall make a
 27 written ~~report~~ statement of the assessment, in accordance with
 28 all of the following:

29 ~~a.~~ (1) The written assessment statement shall incorporate
 30 the information required by subsection 4, paragraph "a".

31 ~~b.~~ (2) The A written child abuse assessment statement shall
 32 be completed within twenty business days of the receipt of the
 33 report. A written family assessment response statement shall
 34 be completed within ten business days of the receipt of the
 35 report.

1 ~~c.~~ The written assessment shall include a description of
2 the child's condition, identification of the injury or risk to
3 which the child was exposed, the circumstances which led to the
4 injury or risk to the child, and the identity of any person
5 alleged to be responsible for the injury or risk to the child.
6 ~~d.~~ (3) The written assessment statement shall identify the
7 strengths and needs of the child, and of the child's parent,
8 home, and family.
9 ~~e.~~ (4) The written assessment statement shall identify
10 services available from the department and informal and formal
11 services and other support available in the community to
12 address the strengths and needs identified in the assessment.
13 ~~f.~~ (5) Upon completion of the assessment, the department
14 shall consult with the child's family in offering services to
15 the child and the child's family to address strengths and needs
16 identified in the assessment.
17 b. In addition to the requirements of paragraph "a",
18 a written child abuse assessment statement shall include
19 a description of the child's condition, identification
20 of the injury or risk to which the child was exposed, the
21 circumstances which led to the injury or risk to the child, and
22 the identity of any person alleged to be responsible for the
23 injury or risk to the child.
24 ~~g.~~ c. The Following a child abuse assessment, the
25 department shall notify each subject of the child abuse report,
26 as identified in section 235A.15, subsection 2, paragraph "a",
27 of the results of the child abuse assessment, of the subject's
28 right, pursuant to section 235A.19, to correct the report data
29 or disposition data which refers to the subject, and of the
30 procedures to correct the data.
31 d. Following a family assessment response, the department
32 shall notify the parent or guardian of each child listed in the
33 child abuse report of the completion of the family assessment
34 response and review any service recommendations. A person
35 named in a child abuse report as responsible for the alleged

1 child abuse shall not have the opportunity for a contested case
 2 hearing pursuant to chapter 17A.

3 ~~h.~~ e. If after completing the assessment ~~process~~ the child
 4 protection worker determines, with the concurrence of the
 5 worker's supervisor and the department's area administrator,
 6 that a child abuse report is a spurious report or that
 7 protective concerns are not present, the portions of the
 8 written assessment ~~report~~ statement described under ~~paragraphs~~
 9 ~~"d" and "e"~~ paragraph "a", subparagraphs (3) and (4) shall not
 10 be required.

11 13. *Court-ordered and voluntary services.* The department
 12 shall provide or arrange for and monitor services for abused
 13 children and their families on a voluntary basis or under a
 14 final or intermediate order of the juvenile court in cases
 15 where abuse has been confirmed during the course of a child
 16 abuse assessment.

17 14. *County attorney — juvenile court.* The department shall
 18 provide the juvenile court and the county attorney with a copy
 19 of the portion of the written child abuse assessment statement
 20 pertaining to the child abuse report or the portion of the
 21 written family assessment response statement pertaining to the
 22 child abuse report for cases in which the department requests a
 23 child in need of assistance petition. The juvenile court and
 24 the county attorney shall notify the department of any action
 25 taken concerning an assessment provided by the department.

26 Sec. 4. Section 232.71B, Code 2013, is amended by adding the
 27 following new subsections:

28 NEW SUBSECTION. 4A. *Child abuse determination.* Unless
 29 otherwise prohibited under section 234.40 or 280.21, the use of
 30 corporal punishment by the person responsible for the care of a
 31 child which does not result in a physical injury to the child
 32 shall not be considered child abuse.

33 NEW SUBSECTION. 16. *Rules.* The department shall adopt
 34 rules regarding the intake process, assessment process,
 35 assessment summaries, contact with juvenile court or the

1 county attorney, involvement with law enforcement, case record
2 retention, and dissemination of records for both child abuse
3 assessments and family assessment responses.

4 Sec. 5. Section 232.71C, Code 2013, is amended to read as
5 follows:

6 **232.71C Court action following ~~child abuse~~ assessment —**
7 **guardian ad litem.**

8 1. If, upon completion of an assessment performed under
9 section 232.71B, the department determines that the best
10 interests of the child require juvenile court action, the
11 department shall act appropriately to initiate the action.
12 If at any time during the assessment process the department
13 believes court action is necessary to safeguard a child, the
14 department shall act appropriately to initiate the action. The
15 county attorney shall assist the department as provided under
16 section 232.90, subsection 2.

17 2. The department shall assist the juvenile court or
18 district court during all stages of court proceedings involving
19 an alleged child abuse case in accordance with the purposes of
20 this chapter.

21 3. In every case involving child abuse which results in
22 a child protective judicial proceeding, whether or not the
23 proceeding arises under this chapter, a guardian ad litem
24 shall be appointed by the court to represent the child in the
25 proceedings. Before a guardian ad litem is appointed pursuant
26 to this section, the court shall require the person responsible
27 for the care of the child to complete under oath a detailed
28 financial statement. If, on the basis of that financial
29 statement, the court determines that the person responsible for
30 the care of the child is able to bear the cost of the guardian
31 ad litem, the court shall so order. In cases where the person
32 responsible for the care of the child is unable to bear the
33 cost of the guardian ad litem, the expense shall be paid out of
34 the county treasury.

35 Sec. 6. Section 232.71D, subsection 1, Code 2013, is amended

1 to read as follows:

2 1. The requirements of this section shall apply to child
3 abuse information relating to a report of child abuse and to an
4 a child abuse assessment performed in accordance with section
5 232.71B.

6 Sec. 7. Section 232.71D, subsection 3, paragraph b,
7 subparagraph (2), Code 2013, is amended to read as follows:

8 (2) The department determines the acts or omissions of the
9 alleged perpetrator meet the definition of child abuse and the
10 department has previously determined within the ~~eighteen-month~~
11 five-year period preceding the issuance of the department's
12 report that the acts or omissions of the alleged perpetrator in
13 a prior case met the definition of child abuse.

14 Sec. 8. Section 232.71D, subsection 6, paragraph a, Code
15 2013, is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (03) Information pertaining to a child
17 abuse report for which there was an assessment performed but no
18 determination was made as to whether the definition of child
19 abuse was met.

20 Sec. 9. Section 232.77, subsection 1, Code 2013, is amended
21 to read as follows:

22 1. A person who is required to report a case of child abuse
23 may take or cause to be taken, at public expense, photographs,
24 X rays, or other physical examinations or tests of a child
25 which would provide medical indication of allegations arising
26 from ~~a child abuse~~ an assessment. A health practitioner may,
27 if medically indicated, cause to be performed radiological
28 examination, physical examination, or other medical tests of
29 the child. A person who takes any photographs or X rays or
30 performs physical examinations or other tests pursuant to this
31 section shall notify the department that the photographs or X
32 rays have been taken or the examinations or other tests have
33 been performed. The person who made notification shall retain
34 the photographs or X rays or examination or test findings for
35 a reasonable time following the notification. Whenever the

1 person is required to report under section 232.69, in that
 2 person's capacity as a member of the staff of a medical or
 3 other private or public institution, agency or facility, that
 4 person shall immediately notify the person in charge of the
 5 institution, agency, or facility or that person's designated
 6 delegate of the need for photographs or X rays or examinations
 7 or other tests.

8 Sec. 10. Section 232.141, subsection 6, Code 2013, is
 9 amended to read as follows:

10 6. If a child is given physical or mental examinations or
 11 treatment relating to ~~a child abuse~~ an assessment performed
 12 pursuant to section 232.71B with the consent of the child's
 13 parent, guardian, or legal custodian and no other provision
 14 of law otherwise requires payment for the costs of the
 15 examination and treatment, the costs shall be paid by the
 16 state. Reimbursement for costs of services described in this
 17 subsection is subject to subsection 5.

18 Sec. 11. Section 235A.13, subsection 10, paragraph f, Code
 19 2013, is amended to read as follows:

20 *f.* A recording made of an interview conducted under chapter
 21 232 in association with ~~a child abuse~~ an assessment.

22 Sec. 12. Section 235A.14, subsection 1, Code 2013, is
 23 amended to read as follows:

24 1. There is created within the state department of
 25 human services a central registry for certain child abuse
 26 information. The department shall organize and staff the
 27 registry and adopt rules for its operation.

28 Sec. 13. Section 235A.15, subsection 12, Code 2013, is
 29 amended to read as follows:

30 12. If an individual who is the subject of a child abuse
 31 report listed in subsection 2, paragraph "a", or another
 32 party involved in ~~a child abuse~~ an assessment under section
 33 232.71B releases in a public forum or to the media information
 34 concerning a case of child abuse including but not limited to
 35 child abuse information which would otherwise be confidential,

1 the director of human services, or the director's designee, may
2 respond with relevant information concerning the case of child
3 abuse that was the subject of the release. Prior to releasing
4 the response, the director or the director's designee shall
5 consult with the child's parent or guardian, or the child's
6 guardian ad litem, and apply to the court under section 235A.24
7 requesting a review of the information proposed for release and
8 an order authorizing release of the information.

9 Sec. 14. Section 235A.18, subsection 1, paragraph a, Code
10 2013, is amended to read as follows:

11 a. (1) Report and disposition data relating to a particular
12 case of alleged child abuse shall be sealed ten years after
13 the initial placement of the data in the registry unless good
14 cause be shown why the data should remain open to authorized
15 access. If a subsequent report of an alleged case of child
16 abuse involving the child named in the initial data placed in
17 the registry as the victim of abuse or a person named in the
18 data as having abused a child is received by the department
19 within this ten-year period, or within the period in which
20 the person's name is in the central registry, the data shall
21 be sealed ten years after receipt of the subsequent report
22 unless good cause be shown why the data should remain open to
23 authorized access. ~~However, a person named in the initial data~~
24 ~~placed in the registry as having abused a child shall have the~~
25 ~~person's name removed from the registry if that person has~~
26 ~~not had a subsequent case of alleged abuse which resulted in~~
27 ~~the person's name being placed in the registry as the person~~
28 ~~responsible for the abuse within the ten-year period.~~ Report
29 and disposition data shall be made available to the department
30 of justice if the department requests access to the alleged
31 child abuse records for purposes of review by the prosecutor's
32 review committee or commitment of sexually violent predators
33 under chapter 229A.

34 (2) Notwithstanding subparagraph (1), a person named in the
35 initial data placed in the registry as having abused a child

1 shall have the person's name removed from the registry after
 2 ten years, if not previously removed from the registry pursuant
 3 to the other provisions of this subsection, if that person has
 4 not had a subsequent case of alleged abuse which resulted in
 5 the person's name being placed in the registry as the person
 6 responsible for the abuse within the ten-year period.

7 (3) (a) A person named in the initial data placed in the
 8 registry as having abused a child shall have the person's name
 9 removed from the registry after five years if the department
 10 determined in the report and disposition data that the person
 11 committed child abuse as defined in section 232.68, subsection
 12 2, paragraph "a", subparagraph (1), (4), (6), or (7).

13 (b) Subparagraph division (a) shall not apply, and the
 14 name of a person named in the initial data as having abused a
 15 child shall remain in the registry as described in subparagraph
 16 (1), if the department determined in the initial report and
 17 disposition data the person committed child abuse as defined in
 18 section 232.68, subsection 2, paragraph "a", subparagraph (1),
 19 (4), (6), or (7) and the child abuse resulted in the child's
 20 death or a serious injury as defined in section 702.18.

21 Sec. 15. Section 235A.19, subsection 2, Code 2013, is
 22 amended to read as follows:

23 2. At the time the notice of the results of ~~an~~ a child
 24 abuse assessment performed in accordance with section 232.71B
 25 is issued, the department shall provide notice to a person
 26 named in the report as having abused a child of the right to
 27 a contested case hearing and shall provide notice to subjects
 28 other than the person named in the report as having abused a
 29 child of the right to intervene in a contested case proceeding,
 30 as provided in subsection 3.

31 Sec. 16. Section 235A.19, subsection 3, paragraph a, Code
 32 2013, is amended to read as follows:

33 a. A subject of a child abuse report may file with the
 34 department within ninety days of the date of the notice of the
 35 results of ~~an~~ a child abuse assessment performed in accordance

1 with section 232.71B, a written statement to the effect that
2 report data and disposition data referring to the subject is
3 in whole or in part erroneous, and may request a correction
4 of that data or of the findings of the child abuse assessment
5 report.

6 Sec. 17. Section 915.35, subsection 4, paragraph b, Code
7 2013, is amended to read as follows:

8 b. A child protection assistance team may also consult
9 with or include juvenile court officers, medical and mental
10 health professionals, physicians or other hospital-based health
11 professionals, court-appointed special advocates, guardians ad
12 litem, and members of a multidisciplinary team created by the
13 department of human services for child abuse investigations.
14 A child protection assistance team may work cooperatively
15 with the early childhood Iowa area board established under
16 chapter 256I. The child protection assistance team shall
17 work with the department of human services in accordance with
18 section 232.71B, subsection 3, in developing the protocols
19 for prioritizing the actions taken in response to child abuse
20 ~~reports~~ assessments and for law enforcement agencies working
21 jointly with the department at the local level in processes for
22 child abuse ~~reports~~ assessments. The department of justice may
23 provide training and other assistance to support the activities
24 of a child protection assistance team.

25 Sec. 18. DEPARTMENT OF HUMAN SERVICES REVIEW — DISCRETION
26 FOR EARLY REMOVAL FROM REGISTRY.

27 1. The department of human services, in conjunction with
28 the department of inspections and appeals, the office of the
29 attorney general, and other stakeholders as deemed appropriate
30 by the department of human services, shall review and make
31 recommendations regarding a process for the removal of the
32 name of a person named in the initial data placed in the
33 central child abuse registry as having abused a child, at the
34 discretion of the department of human services, prior to the
35 five-year period as provided in section 235A.18, subsection 1,

1 paragraph "a", subparagraph (3), subparagraph division (a), as
2 enacted in this Act, or the ten-year period pursuant to section
3 235A.18, subsection 1, paragraph "a", subparagraph (1) or (2),
4 as amended in this Act.

5 2. The review and recommendations shall include specific
6 criteria the department of human services shall consider and
7 additional criteria the department of human services may
8 consider in making a determination of whether to remove a
9 person from the registry, the application process or other
10 recommended action that would commence the department's
11 determination of whether to remove the person from the
12 registry, the appeal process necessary in order to ensure
13 adequate protection of a person's due process rights, and cost
14 projections for the recommendations.

15 3. The department of human services, shall, by December 1,
16 2013, submit a report of its review and recommendations to the
17 governor and the general assembly.

18 Sec. 19. EFFECTIVE DATE. The following provision or
19 provisions of this Act take effect January 1, 2014:

20 1. The section of this Act amending sections 232.68,
21 232.70, 232.71B, 232.71C, and 232.71D, subsections 1 and 6, and
22 sections 232.77, 232.141, 235A.13, 235A.14, 235A.15, 235A.19,
23 and 915.35.

24 Sec. 20. APPLICABILITY.

25 1. The section of this Act amending section 232.71D,
26 subsection 3, relating to the placement of the names of the
27 child and the alleged perpetrator of the alleged child abuse
28 and any other child abuse information on the central registry
29 for child abuse information due to a prior case in which the
30 department determined the case met the definition of child
31 abuse, applies to cases in which the prior case which met the
32 definition of child abuse occurred on or after the effective
33 date of that section of this Act.

34 2. The section of this Act amending section 235A.18,
35 subsection 1, paragraph "a", relating to removal of the name

1 of a person named in the initial data placed in the central
2 registry for child abuse information as having abused a child,
3 shall apply to the name of an alleged perpetrator of the
4 alleged child abuse which is placed in the central registry
5 pursuant to section 232.71D on or after the effective date of
6 that section of this Act.

7 EXPLANATION

8 This bill relates to child abuse reporting, assessment
9 procedures, and placement on and removal from the central
10 registry for child abuse information.

11 MULTIPATH ASSESSMENT PROCESS. Current law provides that,
12 upon receipt of a child abuse report, the department of human
13 services (DHS) immediately determines whether the report
14 constitutes an allegation of child abuse which will lead to the
15 commencement of an assessment. The bill removes language that
16 requires DHS to notify the appropriate county attorney of the
17 receipt of the report.

18 The bill establishes a new assessment process upon the
19 receipt of a child abuse report. The bill provides that an
20 assessment will be conducted as a child abuse assessment if
21 the child abuse report alleges imminent danger or impacts
22 the child's safety. A child abuse assessment results in a
23 disposition. DHS makes a determination of whether the alleged
24 child abuse meets the definition of child abuse and makes
25 a determination of whether the case meets the criteria for
26 placement on the central registry for child abuse information.
27 This type of assessment is the current procedure upon receipt
28 of a child abuse report.

29 The bill adds a family assessment response as another type of
30 assessment process, which is to be conducted if the child abuse
31 report does not allege imminent danger and does not impact a
32 child's safety. DHS will not make a determination of whether
33 the alleged child abuse meets the definition of child abuse
34 pursuant to a family assessment response. DHS also will not
35 make a determination of whether the case meets the criteria for

1 placement on the central registry for child abuse information
2 under this assessment process. However, the bill provides that
3 if, during a family assessment response, it is determined a
4 child is unsafe, it appears the immediate safety or well-being
5 of a child is endangered, the family may flee, the child may
6 disappear, or if other facts so warrant, DHS shall immediately
7 commence a child abuse assessment.

8 Upon receipt of a child abuse report and acceptance that
9 the child abuse report alleges an incident of child abuse, the
10 bill requires DHS to commence either a child abuse assessment
11 within 24 hours of receiving that report or a family assessment
12 response within 72 hours of receiving that report.

13 The bill provides that DHS is only required to apply the
14 current protocols, which are developed with the local child
15 protection assistance team, to prioritize actions and to work
16 with child protection assistance teams and law enforcement
17 agencies in response to a child abuse assessment, not a family
18 assessment response. However, the bill does require DHS to
19 immediately refer the matter to the appropriate law enforcement
20 agency if a child abuse report is assessed under the family
21 assessment response and a criminal act harming a child is
22 alleged.

23 The bill provides that a child abuse assessment shall be
24 conducted as provided under current law. The bill establishes
25 the process for the family assessment response. Both a child
26 abuse assessment and a family assessment response include a
27 safety assessment, a risk assessment, and an evaluation of the
28 home environment.

29 A child abuse assessment also requires, pursuant to current
30 law, the identification of the nature, extent, and cause of
31 injuries to the child named in the report, the identification
32 of the person or persons responsible for the alleged child
33 abuse, a description of the name, age, and condition of other
34 children in the same home as the child named in the report,
35 and an interview of the person alleged to have committed the

1 child abuse. Both the child abuse assessment and the family
2 assessment response may include a home visit, facility or
3 school visit, information request, protective disclosure, and
4 physical examination pursuant to Code section 232.71B.

5 The bill requires DHS to make a written assessment statement
6 for both a child abuse assessment and the family assessment
7 response. The statements must include information related to
8 the safety assessment and risk assessment, information related
9 to an evaluation of the home environment, identification of the
10 strengths and needs of the child, the child's parent, home, and
11 family, and an identification of services available from DHS
12 and other services available in the community. Upon completion
13 of the written assessment statement for either the child abuse
14 assessment or a family assessment response, DHS must consult
15 with the child's family to offer services to the child and the
16 child's family. The bill retains current requirements for
17 written child abuse assessment statements.

18 A written child abuse assessment statement must be completed
19 within 20 business days of the receipt of the child abuse
20 report and a written family assessment response statement must
21 be completed within 10 business days of the receipt of the
22 report.

23 The bill provides that after a family assessment response,
24 DHS must provide notice to the parent or guardian of a child
25 listed in the child abuse report of the completion of the
26 assessment and review any service recommendations. Notice to a
27 person named in the initial child abuse report as responsible
28 for the alleged child abuse is not required, as that person
29 does not have the opportunity for a contested case hearing
30 since DHS did not make a determination of whether child abuse
31 occurred and the information arising from a family assessment
32 response is not reported to the registry.

33 The bill provides that DHS must provide the juvenile court
34 and the county attorney with the portion of a written child
35 abuse assessment statement pertaining to the child abuse

1 report. However, DHS only needs to provide such portion of
2 the written family assessment response statement in cases in
3 which DHS is requesting a child in need of assistance petition.
4 DHS may request court action following either a child abuse
5 assessment or family assessment response.

6 The bill states that the requirements of section 232.71D,
7 relating to the central registry, apply to child abuse
8 information relating to a report of child abuse and a child
9 abuse assessment, but not to a family assessment response.

10 The bill provides that the confidentiality of information
11 relating to an assessment in which no determination was made
12 as to whether the definition of child abuse was met shall be
13 maintained in accordance with Code section 217.30.

14 The bill requires DHS to adopt rules regarding the intake
15 process, assessment process, assessment summaries, contact
16 with juvenile court or the county attorney, involvement with
17 law enforcement, case record retention, and dissemination of
18 records for both child abuse assessments and family assessment
19 responses.

20 The bill provides that the provisions relating to the
21 establishment of a multipath assessment process upon the
22 receipt of a child abuse report are effective January 1, 2014.

23 CENTRAL CHILD ABUSE REGISTRY. Current law provides that
24 the names of the child and the alleged perpetrator of the
25 alleged child abuse and any other child abuse information shall
26 be placed in the central registry as a case of founded child
27 abuse if DHS determines the acts or omissions of the alleged
28 perpetrator meet the definition of child abuse and DHS has
29 determined within the preceding 18 months that the acts or
30 omissions of the alleged perpetrator in a prior case met the
31 definition of child abuse. The bill increases the amount of
32 time between the current offense and the previous offense, from
33 18 months to five years, for which a previous determination
34 of child abuse will result in placement on the registry.
35 This section of the bill is applicable to cases in which the

1 previous case that met the definition of child abuse occurred
2 on or after the effective date of the bill.

3 The bill also provides for the removal of the name of a
4 person named in the central registry for child abuse as having
5 abused a child after five years rather than the 10 years
6 currently required if in the report and disposition data, DHS
7 determined the person committed one of the following types
8 of child abuse as defined in Code section 232.68: physical
9 injury, failure to provide critical care, the presence of an
10 illegal drug in the child's body, and the manufacture and
11 possession of a dangerous substance in the child's presence.
12 However, the name of such a person named in the initial data
13 placed on the registry as having abused a child shall not be
14 removed after five years if the child abuse resulted in a
15 child's death or serious injury of the child as defined in
16 Code section 702.18. The bill provides that the Code section
17 regarding removal of the name of a person from the registry
18 after five years applies to report and disposition data placed
19 on the registry on or after the effective date of the bill.

20 The bill requires DHS, in conjunction with the department of
21 inspections and appeals, the office of the attorney general,
22 and other stakeholders deemed appropriate by DHS, to review and
23 make recommendations regarding the process for the removal of
24 a person from the child abuse registry prior to the five-year
25 period as allowed under the bill, or the 10-year period
26 currently provided. The bill states that the review shall
27 include specific criteria that DHS must and could consider
28 in determining whether to remove a person from the registry,
29 the application process or other action which would commence
30 DHS's determination of whether to remove the person from the
31 registry, the appeal process necessary to ensure protection
32 of a person's due process rights, and cost projections for
33 recommendations. The bill requires DHS to submit the report of
34 the review and recommendations to the governor and the general
35 assembly by December 1, 2013.